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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,091

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Christian Poljen

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EXAMINER

FIGUEROA, JAIME

ART UNIT

PAPER NUMBER

3664

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,091	Applicant(s) POLJEN ET AL.	
	Examiner Jaime Figueroa	Art Unit 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/15/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the instant application, it is unclear if this claim is an apparatus claim or a method claim. Claim 22 depends on claim 1 that is an apparatus claim, but the "use" claim 22 should be directed to a method claim. Appropriate correction is required.

Claim 22 provides for the use of a control system, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 22 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapham (US 6,675,070) alone.

Regarding claim 1, Lapham discloses a control system (*Automation Equipment Control System*) for a plurality of mechanical units, namely robots (*see fig. 9: robots 204A and 204B*) and/or external axes, comprising manually-operated control means, such as a joy-stick or key panel (*via operator interface module 20/220 having a keyboard / mouse 30/230 to make manual inputs*), adapted to move at least one of said mechanical units (*robots 204A and 204B*) or part thereof (*see at least col. 3, line 34 to col. 4, line 4*), the control system comprising:

indication means (*via operator display screen 28/228*) adapted to indicate whether said at least one mechanical unit (*robots 204A and 204B*), or part thereof, that is to be moved is associated with any other mechanical unit(s) (*robots 204A and 204B*), or part(s) thereof, and consequently indicate that the movement of said at least one mechanical unit (*robots 204A and 204B*), or part thereof, will also result in the movement of the indicated associated mechanical unit(s) (*robots 204A and 204B*) or part(s) thereof (*see col. 3, lines 34-50; col. 4, lines 24-31; col. 6, lines 60-65; col. 10, lines 44-58; col. 5, lines 30-47*).

Regarding claim 2, Lapham discloses as discussed in claim 1.

Lapham further discloses the control system, wherein said indication means (*via operator display screen 28/228*) provides at least one of the following signals or a combination thereof: **visual** (*via general purpose operating system as a graphical user interface shown at fig. 6-7*), (*see col. 10, lines 44-67*), acoustic, **tactile** (*via touch screen of operator display 28/228*) (*see col. 6, lines 60-65*).

Regarding claim 3, Lapham discloses as discussed in claim 1.

Lapham further discloses the control system, wherein the indication means (*via operator display screen 28/228*) comprises a graphical and/or text interface that displays which mechanical units, or parts thereof, are associated with one another by means of graphical symbols and/or text messages representing the plurality of mechanical units or parts thereof (*via general purpose operating system as a graphical user interface shown at fig. 6-7*), (*see col. 10, lines 44-67*).

Regarding claim 4, Lapham discloses as discussed in claim 3.

Lapham further discloses the control system, wherein the graphical and/or text interface (*via general purpose operating system as a graphical user interface shown at fig. 6-7*) is arranged to indicate information on how the, or each, mechanical unit (*robots 204A and 204B*), or part thereof, associated with said at least one mechanical unit, or part thereof, that is to be moved will move on movement of said at least one mechanical unit or part thereof (*see col. 3, lines 34-50; col. 4, lines 24-31; col. 6, lines 60-65; col. 10, lines 44-58; col. 5, lines 30-47*).

Regarding claims 5 and 6, Lapham discloses as discussed in claim 1.

Lapham further discloses the control system, wherein indication means are arranged on each of the mechanical units or part thereof to display which mechanical units are associated with one another, either constantly or when such information is requested (*col. 3, line 59 to col. 4, line 4; col. 5, lines 30-38; col. 8, lines 16-25*); and wherein the indication means is mounted on a stationary or portable programming unit (*via general purpose computer 14/214 and a real-time computer subsystem 16/216A/216B*).

Regarding claims 7, 8 and 11, Lapham discloses as discussed in claim 1.

Lapham further discloses the control system, further comprising: confirmation means to confirm that an operator is aware of which mechanical unit(s) or part(s) thereof will move on activation of the manually-operated control means (*col. 6, line 55 to col. 7, line 20; col. 7, line 58 to col. 8, line 10*); further comprising: disengagement means adapted to disengage the manually-operated control means until the operator

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has confirmed that he/she is aware of which mechanical unit(s) or part(s) thereof will move on activation of the manually-operated control means (*via buttons OK and CANCEL in the touch display as shown in fig 6 and 7*); and wherein the confirmation means is initiated by one click of a computer mouse or by pressing a keyboard tangent or push button, or by touching an icon on a touch screen (*via buttons OK and CANCEL in the touch display as shown in fig. 6 and 7*).

Regarding claims 9, 10, 23 and 24, Lapham discloses as discussed in claim 1.

Lapham further discloses the control system, further comprising: disassociation means adapted to disassociate one or more of the mechanical units or parts thereof that are associated with the mechanical unit or part thereof that is to be moved from said at least one mechanical unit or part thereof that is to be moved (*via buttons OK and CANCEL in the touch display as shown in fig. 6 and 7*); and further comprising: association means adapted to associate one or more of the mechanical units or part thereof to said at least one mechanical unit or part thereof that is to be moved (*via buttons OK and CANCEL in the touch display as shown in fig. 6 and 7*); wherein the disassociation means is initiated by one click of a computer mouse or by pressing a keyboard tangent or push button, or by touching an icon on a touch screen (*via buttons OK and CANCEL in the touch display as shown in fig. 6 and 7*); wherein the association means is initiated by one click of a computer mouse or by pressing a keyboard tangent or push button, or by touching an icon on a touch screen (*via buttons OK and CANCEL in the touch display as shown in fig. 6 and 7*).

Regarding claims 12-14, Lapham discloses as discussed in claim 1.

Lapham discloses the claimed invention except for the control system, wherein the manually-operated control means is portable / located in the vicinity of the plurality of mechanical units / located at a location remote to the plurality of mechanical units.

it would have been obvious to one having ordinary skill in the art to see that the operator interface of Lapham can be made portable / located in the vicinity of the plurality of mechanical units / located at a location remote to the plurality of mechanical units, since it has been held that making a device portable or movable or located at specific place without producing any new and unexpected result involves only routine skill in the art.

Regarding claim 22, Lapham discloses as discussed in claim 1.

Lapham further discloses the use of a control system according to claim 1 in any system comprising a plurality of mechanical units (*robots 204A and 204B*), namely robots and/or external axes, which are programmed to carry out at least one task where at least two of said mechanical units or parts thereof move synchronously (*see fig. 9*), (*see col. 4, lines 14-31*).

Claims 15-20 are method / readable medium claims corresponding to apparatus/system claims 1-14, 22-24. Therefore, claims 15-20 are rejected for the same rationales set forth for claims 1-14 and 22-24.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Figueroa whose telephone number is (571)270-7620. The examiner can normally be reached on Monday-Friday, 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jaime Figueroa/
Examiner, Art Unit 3664
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664